

**Notice of Allowability**

Application No.

10/826,598

Applicant(s)

SARMIENTOS ET AL.

Examiner

Hope A. Robinson

Art Unit

1656

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/9/05.
2. ☒ The allowed claim(s) is/are 1-24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
- ☐ Examiner's Amendment/Comment
- ☐ Examiner's Statement of Reasons for Allowance
- ☐ Other \_\_\_\_\_

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### **EXAMINER'S COMMENTS**

#### ***Application Status***

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 1656.

#### ***Restriction Requirement***

2. Upon due reconsideration claim 15 has been rejoined based on applicant's arguments and as there's no serious burden as the art teaches methods of preparing pro-UK and the M5 mutant (see for example, Ning et al. of record in the application). Thus, the Restriction requirement mailed on November 3, 2004 has been withdrawn.

#### ***Withdrawn-Objections***

3. Previous objection to the drawing has been withdrawn by virtue of applicant's filing formal drawings on September 9, 2005.

Previous objection to the claims as being substantially duplicative, has been withdrawn based on applicant's arguments in the amendment filed on September 9, 2005 and the difference in scope between claims 1 and 21.

Previous objection to claims that depended on rejected based claims is withdrawn as all claims are allowable.

#### ***Withdrawn-Rejections***

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4. Previous rejections under 35 U.S.C. 112, first and second paragraphs are withdrawn by virtue of submission of the amendment and arguments presented on September 9, 2005.

Previous rejections under 35 U.S.C. 103(a) are withdrawn base on applicant's arguments presented in the amendment filed on September 9, 2005, as the prior art is silent of the bacterial strain BL21/DE3 RIL which applicant indicates has a benefit over the art in preparing pro-UK mutants (i.e., yielded 4.12 grams/liter in contrast to the art recognized strain).

5. Claims 1-24 are allowed.

6. The Drawings filed on September 9, 2005 have been accepted by the Examiner.

#### ***REASONS FOR ALLOWANCE***

7. The following is an Examiner's statement of reasons for allowance:

The applicant has claimed a method of preparing a pro-urokinase mutant polypeptide. The art recognizes pro-UK mutants for example, the M5 mutant and the instant specification defines said mutant with functional characteristics (has the ability to lyse bad clots, see page 5, lines 4-8, for example). Thus, the claimed method is directed to preparing pro-UK mutants which are within the skill of the art, however, the instant claimed invention escapes the prior art as the bacterial strain BL21/DE3 RIL is novel and unobvious. A search of commercial databases produced references such as Ning et al. (made of record) which teaches the M5 mutant and the bacterial strain BL21(DE3)pLyss, however is silent on the specific bacterial strain recited in the claim in a preparation method. Furthermore, the product of claim 15 is allowable as the bacterial strain

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used is novel and produces a greater yield of the product. Thus, the claimed invention is novel and nonobvious over the prior art.

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".


### *Conclusion*

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hope A. Robinson whose telephone number is 571-272-0957. The examiner can normally be reached on Monday-Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathleen Kerr, can be reached at (571) 272-0931. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Hope Robinson, MS 

Patent Examiner 11/15/05

  
**KATHLEEN M. KERR, PH.D.**  
**SUPERVISORY PATENT EXAMINER**